

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BRUCE COMMITTE,

Plaintiff,

No. 3:20-cv-00372-JR

v.

OPINION AND ORDER

**AACSB INTERNATIONAL, OREGON
STATE UNIVERSITY, et al.**

Defendants.

MOSMAN, J.,

On March 5, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 62]. In her F. & R., Judge Russo recommends that I grant Defendant AACSB International’s Motion to Dismiss [ECF 46] and dismiss AACSB as a defendant from this lawsuit with prejudice. Judge Russo further recommends that I grant in part and deny in part Defendant Oregon State University’s (“OSU”) Motion to Dismiss [ECF 50]. Finally, Judge Russo recommends that I dismiss OSU’s attorneys as defendants from this lawsuit with prejudice. Plaintiff filed Objections [ECF 64], and AACSB filed a Response [ECF 66]. Upon review, I ADOPT Judge Russo’s F. & R. as my own opinion.

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DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

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CONCLUSION

Upon review, I agree with Judge Russo's recommendations, and I ADOPT her F. & R. [ECF 62] as my own opinion. I GRANT Defendant AASCB's Motion to Dismiss [ECF 46] and DISMISS AASCB as a defendant from this lawsuit with prejudice. I GRANT in part and DENY in part Defendant OSU's Motion to Dismiss [ECF 50], as described in Judge Russo's F. & R. I DISMISS OSU's attorneys as defendants from this lawsuit with prejudice. Any motion to amend the complaint solely against Defendant OSU or its employees (as opposed to AASCB or OSU's counsel) should conform with Judge Russo's F. & R. [ECF 62] and the Court's prior orders, and it shall be filed by May 10, 2021. Failure to do so absent sufficient good cause will result in dismissal of this entire lawsuit with prejudice under Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DATED this 9 day of April, 2021.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge